

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

JUL 30 2008

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

CECIL STEVEN BOOTH,

Plaintiff - Appellant,

v.

CITY OF LAS VEGAS,

Defendant - Appellee.

No. 06-15954

D.C. No. CV-04-00854-RLH

MEMORANDUM^{*}

Appeal from the United States District Court
for the District of Nevada
Roger L. Hunt, District Judge, Presiding

Submitted July 22, 2008^{**}

Before: B. FLETCHER, THOMAS, and WARDLAW, Circuit Judges.

Cecil Steven Booth appeals pro se from the district court's order dismissing sua sponte his 42 U.S.C. § 1983 action alleging constitutional violations in connection with his arrest and three-day detention in Las Vegas City Hall Jail. We

^{*} This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

^{**} The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

have jurisdiction pursuant to 28 U.S.C. § 1291, and may affirm the district court's dismissal on any basis supported by the record. *Vestar Dev. II, LLC v. Gen. Dynamics Corp.*, 249 F.3d 958, 960 (9th Cir. 2001). We affirm.

Booth failed to raise a triable issue as to whether the City of Las Vegas, the sole defendant, was deliberately indifferent to his serious medical needs. *See Estelle v. Gamble*, 429 U.S. 97, 106 (1976). Booth offered no evidence that the defendant purposefully ignored or failed to respond to his medical needs, or that he suffered harm as a result. *See McGuckin v. Smith*, 974 F.2d 1050, 1060 (9th Cir. 1992), *overruled on other grounds by WMX Tech., Inc. v. Miller*, 104 F.3d 1133, 1136 (9th Cir. 1997) (en banc).

Booth's remaining contentions are unpersuasive.

AFFIRMED.